

BOARD OF APPEALS CASE NO. 4933

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BEFORE THE

APPLICANT: Bethel Presbyterian Church

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ZONING HEARING EXAMINER

REQUEST: Variance to construct a sign
within the required setbacks;
4135 Norrisville Road, White Hall

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 6/23/99 & 6/30/99

HEARING DATE: August 4, 1999

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Record: 6/25/99 & 7/2/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant is Bethel Presbyterian Church. The Applicant is requesting a variance to Section 219-12(D) of the Harford County Sign Code, to construct a permanent institutional sign within the required front yard setback, a variance to the height of the sign, and a variance to exceed the maximum square footage permitted for the sign.

The subject parcel is located at 4135 Norrisville Road in the Fourth Election District. The parcel is identified as Parcel No. 21, in Grid 4-C, on Tax Map 23. The parcel contains 7.09 acres, more or less, all of which is zoned Agricultural.

Mr. John Cyphers appeared and testified that he is an Elder of the Bethel Presbyterian Church. The witness said that the Church has an existing temporary sign which they intend to remove if the requested variances are approved. Mr. Cyphers said that the new sign will be 7 feet tall and 11 feet long. The witness went on to testify that the sign will have a 5 foot by 11 foot message area and will be double-faced. The witness said the sign will be located 5 feet from the road right-of-way and that he did not feel the sign would create a traffic hazard to the motoring public on MD Route 23 or persons leaving the Church parking area.

Mr. Cyphers said the sign would be illuminated from dusk to dawn. He said the Church has been operating on the subject parcel for over 200 years and that the present Church is 100 years old. The witness said that the location of the Church and speed limit on MD Route 23 dictated the size of the sign. The witness said that the sign company indicated that 5 to 6 inch lettering will be necessary due to the speed limit on Norrisville Road.

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No protestants appeared in opposition to the Applicant's request and the Staff Report of the Department of Planning and Zoning recommends conditional approval and provides:

" Although the overall structure is 77 square feet, the area which will contain the message is only 55 square feet. It does not appear that the sign will adversely impact the traffic along MD Route 23. Given the location of the church and the existing parking area, the area remaining to accommodate a sign on this property is limited."

CONCLUSION:

The Applicant is requesting a variance to Section 219-12 of the Harford County Sign Code to construct a permanent institutional sign 5 feet from the front yard setback, a variance to permit a sign 7 feet in height, and a variance to allow a sign 77 square feet.

The Code requires a 16.6 foot front yard setback, allows a maximum height of 6 feet, and a maximum overall structure of 32 square feet.

Section 219-12(D) provides:

"Permanent institutional signs. Signs of a permanent nature setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted if the setback is one-third (1/3) of the required building setback of the district. Illumination shall be in accordance with the restrictions set forth in § 219-11. Such signs shall not exceed thirty-two (32) square feet for the overall structure and shall not exceed six (6) feet in overall height."

Section 219-17 allows the Board to grant variances to the Sign Code and provides:

"The Board may grant a variance from the provisions of this chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship results...."

The uncontradicted testimony indicates that the Applicant has conducted services on the subject parcel for over 200 years and the present church structure is 100 years old. The evidence indicates that the location of the church dictated the proposed location for the sign, and the size of the sign is dictated by the speed limit on Norrisville Road.


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It is the finding of the Hearing Examiner that exceptional circumstances exist and that denial of the variance would cause difficulty or hardship to the Applicant. It is, further, the finding of the Hearing Examiner that approval of the variance will not impair the purpose and provisions of the Sign Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variances be approved, subject to the following conditions:

1. That the Applicant obtain all necessary permits for the sign.
2. That the sign shall be located a minimum of 5 feet from the existing road right-of-way and at least 25 feet from the center of the road. The permit application shall include a detailed site plan that clearly delineates the location of the right-of-way, center line of the road, and proposed sign.

Date AUGUST 19, 1999



L. A. Hinderhofer
Zoning Hearing Examiner